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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JEFFREY O. SWOPE,

Plaintiff, : Case No. 07-CV-6921 (BSJ)

vs. : **NOTICE OF
MOTION TO DISMISS**

FIDUCIARY ASSET MANAGEMENT, L.L.C.,
Defendant. : (ECF Case)

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PLEASE TAKE NOTICE THAT, upon the annexed declaration of Matthew A. Katz and the respective exhibits attached thereto, the annexed affidavit of Charles D. Walbrandt, and the accompanying memorandum of law, Defendant Fiduciary Asset Management, L.L.C. (“FAMCO”) will move this Court, the Honorable Barbara S. Jones, United States Judge of the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an order dismissing the above-captioned action pursuant to (i) Rules 12(b)(2) and 12(b)(3) of the Federal Rules of Civil Procedure and (ii) 28 U.S.C. § 1404.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1, Plaintiff's answering papers are due on or before August 23, 2007, and FAMCO's reply papers are due five business days after service of the answering papers.

Dated: New York, New York
August 8, 2007

SCHINDLER COHEN & HOCHMAN LLP

s/ Jonathan L. Hochman

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